



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,192	03/15/2000	Motoki Kato	450100-02056	9413

20999 7590 11/06/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
----------

TRAN, THAI Q

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 11/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/526,192

Applicant(s)

KATO, MOTOKI

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 25-29 and 73-78 are rejected under 35 U.S.C. 101 because claims 25-29 and 73-78 are directed to a computer program. Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are neither physical “things” nor statutory processes. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). See MPEP, 2106, IV, B, 1.
4. Claims 30-34 and 67-72 are rejected under 35 U.S.C. 101 because claims 30-34 and 67-72 are directed to a recording medium. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory because, when non-functional descriptive material is recorded on some computer-readable medium, it is not structurally and functionally interrelated to the medium but is merely carried by the medium. See MPEP, 2106, IV, B, 1.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-24 and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Cornog et al (US 6,337,880 B1).

Regarding claim 1, Cornog et al discloses a recording apparatus (Fig. 1 and col. 7, lines 50-63) for recording video data acquired from a transport stream that includes one or more packetized video data streams, each having packet identification information, said recording apparatus comprising:

detecting means (col. 4, lines 1-22) for detecting at least one random-access point of said one of said one or more packetized video data streams;

analyzing means (col. 5, lines 14-27) for obtaining an address of said random-access point and for distinguishing packets having said random-access point in accordance with packet identification information included in said one or more packetized video data streams;

data-base creation means (col. 5, lines 14-27) for creating a data base including one or more lists of address of said random access point for each of said packet

identification information, whereby the lists of random-access points are distinguished from each other by the packet identification information; and

recoding means (col. 7, lines 50-63) for recording said data base separately from said video data on a recording medium.

Regarding claim 2, Cornog et al discloses the claimed wherein said detection means detects said at least one random-access point according to a video sequence\_header\_code in said video data (col. 3, lines 30-37).

Regarding claim 3, Cornog et al discloses the claimed extracting means (time codes disclosed in col. 7, lines 50-59); and wherein said data-base creation means (Figs. 2A-2B, col. 5, line 21 to col. 6, line 39 and col. 7, lines 50-59).

Regarding claim 4, Cornog et al discloses the claimed wherein said analyzing means distinguishes programs according to a program map table (col. 3, lines 52-54).

Regarding claim 5, Cornog et al discloses the claimed wherein said data base creation means creates a data base for each of a plurality of video versions of a particular video program (fast forward and fast reverse disclosed in col. 7, lines 50-63).

Method claims 6-10 are rejected for the same reasons as discussed in apparatus claims 1-5 above.

Regarding claim 11, Cornog et al discloses a reproducing apparatus (Fig. 1 and col. 7, lines 50-63) for reproducing video data from a transport stream recorded on a recording medium, said transport stream comprising one or more packetized video data streams, each having packet identification information, and a random-access information table including one or more lists of addresses of random-access points for

Art Unit: 2615

each of said packet identification information, with a separate random-access information table being generated and stored on said recording medium corresponding to each of one or more video programs, whereby the lists of random access points are distinguished from each other by said packet identification information comprising:

reproducing means (col. 7, lines 50-63) for reproducing from said recording medium one or more of said video programs and said corresponding random-access information table; and

control means (col. 7, lines 50-63) for controlling, according to said random-access information table, an access point during a random-access playback operation.

Regarding claim 12, Cornog et al discloses the claimed selecting means (col. 3, lines 27-47) for selecting one or more of said video programs from video programs included in said video data.

Regarding claim 13, Cornog et al discloses the claimed wherein each of said random-access information tables is stored on said recording medium as a file separately from said video data (col. 7, lines 50-63).

Regarding claim 14, Cornog et al discloses the claimed wherein said addresses are indicative of an address of said recording medium corresponding to said one or more random-access points (Figs. 2A-2B, col. 5, line 21 to col. 6, line 39 and col. 7, lines 50-59).

Regarding claim 15, Cornog et al discloses the claimed wherein said addresses include time stamp information indicative of a playback time corresponding to each of said random-access points (time codes disclosed in col. 7, lines 55-59).

Regarding claim 16, Cornog et al discloses the claimed wherein said transport stream is defined by an MPEG standard (col. 3, lines 27-30).

Regarding claim 17, Cornog et al discloses the claimed wherein addresses are formed for each of a plurality of versions of a video program (fast forward and fast reverse disclosed in col. 7, lines 50-63).

Method claims 18-24 are rejected for the same reasons as discussed in apparatus claims 11-17 above.

Recording medium claims 30-34 are rejected for the same reasons as discussed in apparatus claims 1-5 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornog et al (US 6,337,880 B1).

Regarding claim 25, Cornog et al discloses all the claimed limitations as discussed in claim 1 above except for providing that these steps are performed by a computer program.

Cornog et al also teaches that computer which inherently has computer program can be used for editing video signal (col. 1, lines 13-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the computer program as taught by Cornog et al into the editing system disclosed in col. 7, lines 50-59 of Cornog et al in order to facilitate the editing process.

Regarding claim 26, Cornog et al discloses the claimed wherein said detection means detects said at least one random-access point according to a video sequence\_header\_code in said video data (col. 3, lines 30-37).

Regarding claim 27, Cornog et al discloses the claimed extracting means (time codes disclosed in col. 7, lines 50-59); and wherein said data-base creation means (Figs. 2A-2B, col. 5, line 21 to col. 6, line 39 and col. 7, lines 50-59).

Regarding claim 28, Cornog et al discloses the claimed wherein said analyzing means distinguishes programs according to a program map table (col. 3, lines 52-54).

Regarding claim 29, Cornog et al discloses the claimed wherein a data base is created for each of a plurality of video versions of a particular video program (fast forward and fast reverse disclosed in col. 7, lines 50-63).

9. Claims 35-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeijs et al ('581) in view of Cornog et al (US 6,337,880 B1).

Regarding claim 35, Saeijs et al discloses an apparatus (Figs. 18-19) for recording on a recording medium video data acquired from a transport stream that includes a plurality of multiplexed video programs, each having packet identification information, comprising:



distinguishing means (col. 23, lines 4-13) for distinguishing each of said plurality of said video programs. However, Saeijs et al does not specifically disclose detecting means for detecting one or more random-access points of one or more of said video programs of said video data; analyzing means for obtaining an address of said random-access points in said video data and for distinguishing packets having said random-access point in accordance with said packet identification information included in said one or more video programs; generating means for generating one or more lists of addresses of said random-access points for each of said packet identification information, whereby the lists of random-access points are distinguished from each other by the packet identification information; and recording means for recording said video data and said random-access information on said recording medium.

Cornog et al teaches an apparatus for indexing for motion video that is compressed using interframe and intraframe techniques having detecting means (col. 4, lines 1-22) for detecting at least one random-access point of said one of said one or more packetized video data streams; analyzing means (col. 5, lines 14-27) for obtaining an address of said random-access point and for distinguishing packets having said random-access point in accordance with packet identification information included in said one or more packetized video data streams; data-base creation means (col. 5, lines 14-27) for creating a data base including one or more lists of address of said random access point for each of said packet identification information, whereby the lists of random-access points are distinguished from each other by the packet identification information; and recoding means (col. 7, lines 50-63) for recording said data base

separately from said video data on a recording medium for decoding and display at appropriate points in the compressed bitstream to enable random access to each intraframe compressed image.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of indexing motion video that is compressed using interframe and intraframe techniques as taught by Cornog et al into Saeijs et al's system in order to reduce the time in accessing the desired video signal by using random access of Cornog et al.

Regarding claim 36, Cornog et al also discloses means for generating a file that includes said random-access information table separately from a file that includes said video data (col. 7, lines 50-63).

Regarding claim 37, Cornog et al discloses the claimed selecting means (col. 7, lines 50-63) for selecting one or more of said video programs from said video programs included in said video data for playback.

Regarding claim 38, Cornog et al discloses the claimed wherein said address information includes address information indicative of an address on said recording medium corresponding to one of said random-access points (col. 7, lines 50-63).

Regarding claim 39, Cornog et al discloses the claimed wherein said address information includes a time stamp indicative of a recording time corresponding to at least one of said random-access points (time codes disclosed in col. 7, lines 50-63).

Regarding claim 40, Saeijs et al and Cornog et al discloses the claimed wherein said transport stream is defined by an MPEG standard (col. 21, lines 20-26 of Saeijs et al and col. 5, lines 14-20 of Cornog et al).

Regarding claim 41, Cornog et al discloses the claimed wherein said detecting means detects each of said random-access points according to a corresponding random-access indicator included in a header of each of said plurality of video programs making up said video data (col. 3, lines 27-47).

Regarding claim 42, Cornog et al discloses the claimed wherein said distinguishing means distinguishes each of said video programs according to said packet identification information included in said video data and a program map table included in said video data (col. 3, lines 48-58).

Regarding claim 43, Cornog et al discloses the claimed wherein said distinguishing means further comprises version distinguishing means (col. 7, lines 50-63) for distinguishing a plurality of version of at least one of said plurality of multiplexed video programs from each other; and wherein said generating means generating a random-access information table for each said version (Figs. 2A-2B, col. 5, line 21 to col. 6, line 39 and col. 7, lines 50-63).

Method claims 44-52 are rejected for the same reasons as discussed in apparatus claims 35-43 above.

Regarding claim 53, the combination of Saeijs et al and Cornog et al discloses all the claimed limitations as discussed in claim 35 above and, additionally, Cornog et al discloses the claimed reproducing means (col. 7, lines 50-63) for reproducing from said

recording medium one or more of said video programs and said corresponding random-access information table; and control means (col. 7, lines 50-63) for controlling, according to said random-access information table, an access point during a random-access playback operation.

Regarding claim 54, Cornog et al discloses the claimed selecting means (col. 3, lines 27-47) for selecting one or more of said video programs from video programs included in said video data.

Regarding claim 55, Cornog et al discloses the claimed wherein each of said random-access information tables is stored on said recording medium as a file separately from said video data (col. 7, lines 50-63).

Regarding claim 56, Cornog et al discloses the claimed wherein said addresses are indicative of an address of said recording medium corresponding to said one or more random-access points (Figs. 2A-2B, col. 5, line 21 to col. 6, line 39 and col. 7, lines 50-59).

Regarding claim 57, Cornog et al discloses the claimed wherein said addresses include time stamp information indicative of a playback time corresponding to each of said random-access points (time codes disclosed in col. 7, lines 55-59).

Regarding claim 58, Cornog et al discloses the claimed wherein said transport stream is defined by an MPEG standard (col. 3, lines 27-30).

Regarding claim 59, Cornog et al discloses the claimed wherein addresses are formed for each of a plurality of versions of a video program (fast forward and fast reverse disclosed in col. 7, lines 50-63).

Method claims 60-66 are rejected for the same reasons as discussed in apparatus claims 53-59 above.

Recording medium claims 67-72 are rejected for the same reasons as discussed in claims 53 and 55-59 above and.

Regarding claim 73, the combination of Saeijs et al and Cornog et al discloses all the claimed limitations as discussed in claim 35 above except for providing that these steps are performed by a computer program.

Cornog et al also teaches that computer which inherently has computer program can be used for editing video signal (col. 1, lines 13-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the computer program as taught by Cornog et al into the editing system disclosed in col. 7, lines 50-59 of Cornog et al in order to facilitate the editing process.

Regarding claim 74, Cornog et al discloses the claimed wherein each of said random-access information tables is stored on said recording medium as a file separately from said video data (col. 7, lines 50-63).

Regarding claim 75, Cornog et al discloses the claimed wherein said addresses are indicative of an address of said recording medium corresponding to said one or more random-access points (Figs. 2A-2B, col. 5, line 21 to col. 6, line 39 and col. 7, lines 50-59).

Regarding claim 76, Cornog et al discloses the claimed wherein said addresses include time stamp information indicative of a playback time corresponding to each of said random-access points (time codes disclosed in col. 7, lines 55-59).

Regarding claim 77, Cornog et al discloses the claimed wherein said transport stream is defined by an MPEG standard (col. 3, lines 27-30).

Regarding claim 78, Cornog et al discloses the claimed wherein addresses are formed for each of a plurality of versions of a video program (fast forward and fast reverse disclosed in col. 7, lines 50-63).


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to an apparatus for recording and reproducing video signal.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
THAI TRAN  
PRIMARY EXAMINER